

Remarks

Status of the Application

Prior to entry of this amendment, claims 30-34, 40 and 44-49 were pending. The Office Action mailed April 13, 2010 rejected claims 30-34, 40 and 44-49 under § 102(e) as being anticipated by U.S. Patent No. 6,169,894 to McCormick et al. ("McCormick").

This paper amends claims 30 and 40. No claims have been added or canceled. Hence, after entry of this paper, claims 30-34, 40, and 44-49 will stand pending for examination. Claims 30 and 40 are independent claims.

Claim Amendments

Claims 30 and 40 have been amended. Claim 30 has been amended to recite, "the request corresponding to a selection from a list of available media programs presented to a subscriber on a display of the handset." Support for this amendment can be found throughout the application as filed, including, inter alia, at lines 11-16 on page 7 of the application as filed.

Rejections under 35 U.S.C. § 102

Claims 30-34, 40 and 44-49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by McCormick et al. Claims 30 and 40 have been amended, and reconsideration of the rejection in light of the amended claims is respectfully requested.

Claims 30 and 40, as amended, each recite "the request corresponding to a selection from a list of available media programs presented to a subscriber on a display of the handset." McCormick neither discloses nor suggests this functionality. While McCormick does disclose subscriber input of "a designated feature code" to access broadcast information, McCormick, col. 6, lines 17-26, nothing in the disclosure of McCormick indicates that this input might be anything other than a series of keystrokes, let alone selection from a list presented to the subscriber, as recited by claims 30 and 40.

Accordingly, because McCormick does not teach or suggest this feature, McCormick cannot anticipate either claim 30 or 40 under § 102(e): "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2

USPQ2d 1051, 1053 (Fed. Cir. 1987); *accord* MPEP § 2131. Claims 30 and 40, therefore, are allowable over McCormick.

Claims 31-34 ultimately depend from claim 30, and claims 44-49 ultimately depend from claim 40. These claims are allowable based at least upon their dependence from allowable base claims.

Conclusion

Applicant believes that the pending claims are in condition for allowance. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This paper constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

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/Chad E. King/
Chad E. King, #44,187
Swanson & Bratschun, L.L.C.
8210 Southpark Terrace
Littleton, CO 80120
Telephone: (303) 268-0066
Facsimile: (303) 268-0065